

REMARKS

This is in response to the Office Action dated January 28, 2008. For at least the reasons stated below, Applicant submits that all claims are allowable in view of the prior art of record.

Applicant wishes to thank Examiner Brown for the Examiner Interview held on March 25, 2008. During the Interview, Applicant presented proposed amendments to independent claim 1 and a clarification as to how the proposed amendments to claim 1 distinguish the claim over the prior art. In response, the Examiner suggested that the amendment be submitted, which Applicant submits by way of the present Response.

Claims 1-2, 3, 5-7 and 10-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,541,662 (hereinafter referred to as "Adams") in view of U.S. Patent 5,699,106 (hereinafter referred to as "Matsubara") and further in view of U.S. Patent 6,182,090 (hereinafter referred to as "Peairs"). Applicant respectfully disagrees and submits that Adams, Matsubara and Peairs alone, or in combination fail to teach or suggest all of the claimed elements as currently amended.

In general, the Adams reference is directed towards systems and methods for transmitting three data streams (audio, video and data) to a user computer and utilizing the data stream to control the appearance of displayed objects on the screen. In contrast, the presently claimed invention is directed towards transmitting audio or video data, binary data as well as private data.

Adams teaches three distinct channels, an audio, video and binary channel (Adams, Fig. 3, Fig. 5, Col. 6, ll. 6-15) as opposed to the presently claimed invention which claims audio or video data, binary data and private data. Adams alone, or in conjunction with Matsubara or Peairs, fails to teach two distinct data channels, or receiving two distinct sets of data as presently claimed. Adams merely uses the time stamps to synchronize audio and video packets with their associated data packets (Col. 8, ll. 54-59). Additionally, it is clear that Adams not only stores a plurality of commands illustrated in Col. 7, ll. 31-65 in the data stream itself (as opposed to storing additional “private data”), but the commands are directed towards the formatting and presentation of the current packet, and not additional audio, video or binary data as required by the claims.

Furthermore, the Applicant respectfully disagrees with the Examiner’s contention that an “icon” taught by Adams corresponds to a “hot-spot for linking to additional at least one of audio or video data, and binary data” as currently claimed. Nowhere in the ‘662 reference does Adams disclose an “icon” linking to additional audio or video data, and binary data. The difference between Adams and the presently claimed invention is illustrated more clearly with respect to Figure 8 of Adams. In Figure 8, Adams discloses a “video window” and a plurality of “buttons” presented to a user on a display device, clearly these “buy” buttons are not hot-spots linking to “one of audio or video data, and binary data.” Furthermore, Adams does not teach or suggest alternative embodiments teaching such a scenario. Additionally, Matsubara and Peairs alone or in combination with Adams fail to teach or suggest the claimed hot-spots.

With regard to the Examiner's assertion that Adams teaches the claimed "synchronization time," it is clear that the "time stamp" taught by Adams is utilized to synchronize the audio, video and data streams received by a receiver device, as commonly known in the art. In contrast, the "synchronization time" as claimed is directed towards "indicating the temporal position of the additional at least one of audio or video data, and binary data"; the additional data being associated with a given hot-spot. Clearly, the claimed "synchronization time" is not directed towards merely time-stamping received data, but is considerably more complex and utilized to synchronize hot-spot data.

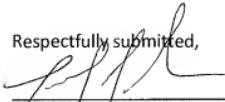
Furthermore, the Examiner claims that the Pairs reference teaches the claimed "private data" including "an indication of the number of hot-spots." However, Pairs is directed towards processing documents retrieved from a document database (Abstract) and is clearly not in the field of the presently claimed invention. Thus, it is clear that it would not have been obvious to one of ordinary skill in the art to combine the Pairs reference, directed towards document systems, to neither the Adams nor Matsubara references, directed towards systems and method for television transmission as they are not in similar or overlapping fields of technology.

For at least all of the above reasons, Applicant respectfully requests that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Dated: June 30, 2008

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Respectfully submitted,



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